

This order is SIGNED.

Dated: August 21, 2019



**R. KIMBALL MOSIER
U.S. Bankruptcy Judge**



rdr

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re: MARILYN R. MONSON, Debtor.	Bankruptcy Number: 19-24954 Chapter 13 Hon. R. Kimball Mosier
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ORDER EXTENDING DEADLINE UNDER 11 U.S.C. § 521(i)

Debtor Marilyn R. Monson filed the above-captioned case on July 8, 2019. She has not filed any of the documents required by 11 U.S.C. § 521(a)(1). If a debtor fails to file any of those documents by the 45th day after the petition date, § 521(i)(1) provides that “the case shall be automatically dismissed effective on the 46th day” after the petition date. The 45-day deadline in this case is August 22, 2019. That deadline can be extended for up to an additional 45 days “upon request of the debtor made within the 45 days” after the petition date “if the court finds justification for extending the period for the filing.” § 521(i)(3).

While the Debtor has not submitted a request to extend the 45-day deadline, the Court will extend the deadline *sua sponte* pursuant to its authority under § 105(a), which provides, that “[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the

provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process.” There is pending in this case a motion for relief under § 362(d)(4), which alleges that the filing of this case is part of a scheme to hinder, delay, or defraud the movant. The Court concludes that dismissal of this case under § 521(i) before the motion is resolved would constitute an abuse of process, and it is therefore appropriate that this case should not be dismissed until the motion for relief is finally determined.

Accordingly, the Court hereby **ORDERS:**

1. The deadline under 11 U.S.C. § 521(i) to file the documents required by § 521(a)(1) is extended in this case to September 13, 2019.

END OF DOCUMENT

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DESIGNATION OF PARTIES TO RECEIVE NOTICE

Service of the foregoing **ORDER EXTENDING DEADLINE UNDER 11 U.S.C. § 521(i)** shall be served to the parties and in the manner designated below.

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users:

Brian J. Porter	brian@hwmlawfirm.com
Lon Jenkins	ecfmail@ch13ut.org, lneebling@ch13ut.org
U.S. Trustee	USTPRegion19.SK.ECF@usdoj.gov

By U.S. Mail: In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed. R. Civ. P. 5(b).

Marilyn R Monson
11041 North 5730 West
Highland, UT 84003